

40. (New) The multilumen catheter assembly according to claim 37, further comprising a connector and a clamp releasably attached to each extension tube.

41. (New) The multilumen catheter assembly according to claim 37, further comprising a plurality of holes formed through each of the first and second distal end tubes to provide fluid flow from outside the first and second distal end tubes into the passageways in the first and second distal end tubes.

42. (Amended) The multilumen catheter assembly according to claim 37, further comprising a first distal end opening in the first distal end tube and a second distal end opening in the second distal end tube.

A copy of the amended claims showing the amendments is enclosed herewith on a separate sheet of paper.

REMARKS

With the present amendment, claims 24, 25, 28-30, and 36-42 are pending. In the Office Action, the Examiner objected to the drawings because Figs. 7A through 8B were shown too close together. Applicants propose modifying the drawings by moving Figs. 7D-8B to a new page and spacing out Figs. 7A-7C, as enclosed. Applicants respectfully submit that the drawings are now not too close together, and respectfully request the objection to the drawings be withdrawn.

Claim rejections under 35 U.S.C. §102

Claims 20-28 and 30 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,807,311 to Palestrant ("Palestrant"). Applicant respectfully traverses this rejection. Claims 20-22 have been cancelled, rendering the Examiner's rejections to these claims moot. Claims 23-28 and 30 have been amended to depend, either directly or indirectly, from new claim 36. Applicants

respectfully submit that new claim 36 is supported by the Specification, particularly page 10, lines 22-25, page 12, lines 7-10, page 17, lines 12-14, and Fig. 2, and that no new matter has been added.

New claim 36 recites, *inter alia*, a multilumen catheter assembly having a distal portion. The catheter assembly comprises a unitary catheter body having a generally oval cross section. The unitary catheter body includes a longitudinal plane generally bisecting the catheter body. A first lumen is disposed within the catheter body on a first side of the longitudinal plane, wherein the first lumen is generally circular in cross section. A second lumen is disposed within the catheter body on a second side of the longitudinal plane, opposing the first side of the longitudinal plane, wherein the second lumen is generally circular in cross section. The distal portion of the catheter assembly is split along the longitudinal plane such that each of the first and second lumens is capable of free movement independent of the other of the first and second lumens, and such that the first and second lumens are capable of being juxtapositioned along the longitudinal centerline, forming a distal section having a generally oval cross section. The novel feature of the generally oval cross section of the catheter assembly recited in new claim 36, and shown in Fig. 2 of the instant application, is neither disclosed nor suggested by Palestrant.

Palestrant discloses a multilumen catheter assembly having a generally Figure-8 cross section. The Figure-8 cross section of Palestrant includes two generally circular lumens joined at a common tangential portion. In essence, two voids are provided exterior of the catheter lumens, one on either side of the common tangential portion. This feature of Palestrant provides for poor sealing around the incision site in a patient being catheterized, as the area exterior to Palestrant's catheter proximate to the common tangential portion prevents the patient's skin from properly sealing around the exterior of the catheter. The catheter claimed in new claim 36, however, includes, *inter alia*, a generally oval cross section, which provides for better sealing around the incision site, and does not include any voids, such as the voids disclosed in Palestrant, that prevent proper sealing of the patient's skin around the exterior of the catheter.

Further, Palestrant discloses several embodiments of a catheter assembly in Figs. 1 and 4-7 in which the first and second lumens are joined together at the distal portion of the catheter assembly. Fig. 8 of Palestrant discloses a catheter assembly in which first and second lumens are not joined together in a unitary catheter assembly, nor does Palestrant's catheter assembly disclose a generally oval cross section. The catheter assembly recited in new claim 36 requires, *inter alia*, a distal portion with the first and second lumens split from each other, and a generally oval cross section of the unitary catheter body.

For all of the above reasons, reconsideration and allowance of claims 23-28 and 30 in light of new claim 36, from which claims 23-28 and 30 depend, is respectfully requested.

Claim rejections under 35 U.S.C. §103

Claim 29 was rejected under 35 U.S.C. §103 as being unpatentable over Palestrant in view of U.S. Patent No. 6,001,079 to Pourchez ("Pourchez"). Applicants respectfully traverse this rejection.

New claim 36 is described above. Palestrant is described above. Pourchez discloses a multilumen catheter assembly having first and second lumens connected in a common body up to a split point. Distal to the split point, the first and second lumens are each generally circular in cross section, as shown in Fig. 1. When the first and second lumens are juxtaposed against each other, a generally Figure-8 cross section is formed, which, when the catheter assembly is inserted into a blood vessel in the patient, may lead to blood clotting around the split point.

Applicants respectfully submit that no combination of Palestrant and Pourchez provides the novel feature of the distal portion of the catheter assembly having the first and second lumens able to be juxtaposed across the longitudinal plane to form a generally oval cross section.

For all of the above reasons, and in light of new claim 36, Applicants respectfully submit that the rejection of claim 29 is improper and request reconsideration and allowance.

New claims 37-42

New claim 37 differs from new claim 36 only in that the cross section of the catheter assembly in claim 37 is recited as being generally circular, whereas the cross section of the catheter assembly in claim 36 is recited as being generally oval. Applicants respectfully submit that claim 37 is patentable over the cited prior art for the same reasons as set forth above with respect to claim 36, and that claims 38-42 are patentable over the cited prior art for the same reasons as set forth with respect to claim 37, from which claims 38-42 depend.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that claims 24, 25, 28-30, and 36-42 are in condition for allowance. Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. If there are any other fees due in connection with the filing of this response, please do not hesitate to contact the undersigned.

Respectfully Submitted,

Timothy Schweikert et al.

9/14/2003
Date

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PATENT TRADEMARK OFFICE

Marked-up Copy of Amended Claims

24. (Amended) The multilumen catheter assembly according to claim 36 [20], wherein the first distal tube has a length which is less than a length of the second distal end tube, wherein the lengths are measured in a longitudinal direction.

26. (Amended) The multilumen catheter assembly according to claim 36 [20], further comprising a first extension tube in fluid communication with a first lumen and a second extension tube in fluid communication with the second lumen.

28. (Amended) The multilumen catheter assembly according to claim 36 [20], further comprising a connector and a clamp releasably attached to each extension tube.

29. (Amended) The multilumen catheter assembly according to claim 36 [20], further comprising a plurality of holes formed through each of the first and second distal end tubes to provide fluid flow from outside the first and second distal end tubes into the passageways in the first and second distal end tubes.

30. (Amended) The multilumen catheter assembly according to claim 36 [20], further comprising a first distal end opening in the first distal end tube and a second distal end opening in the second distal end tube.

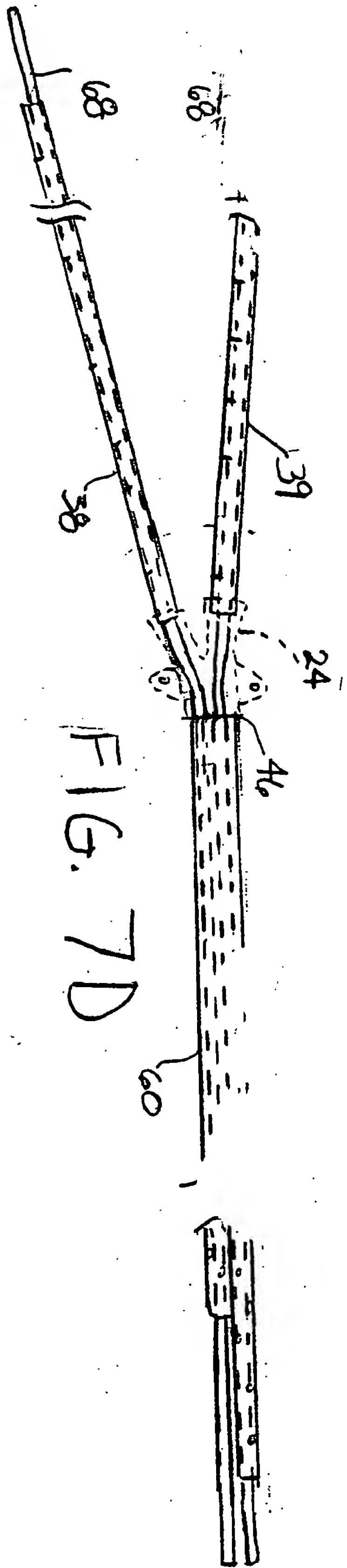


FIG. 7D

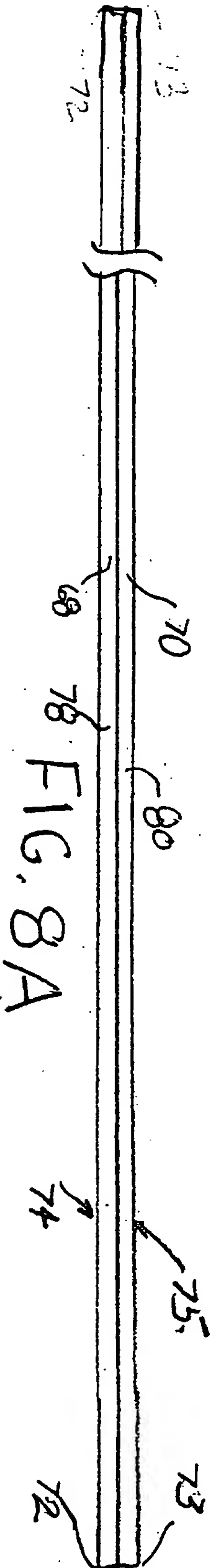


FIG. 8A

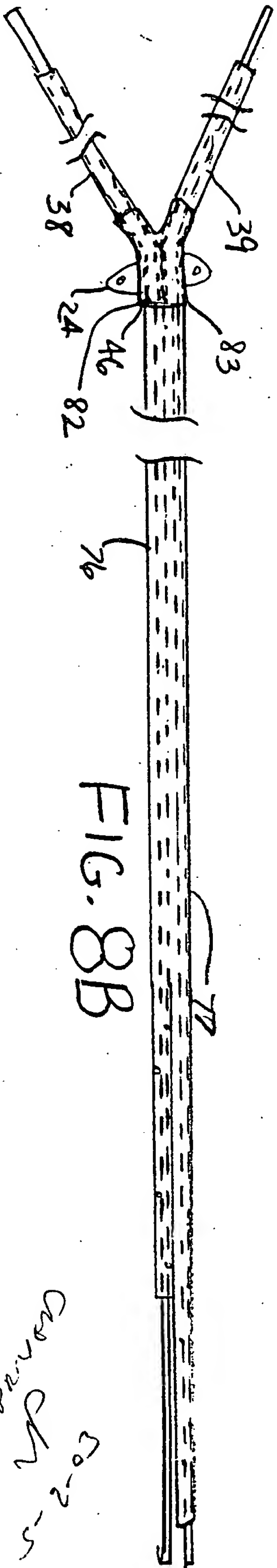


FIG. 8B

Co-2-5
Cn-2-2-5



FIG. 7A

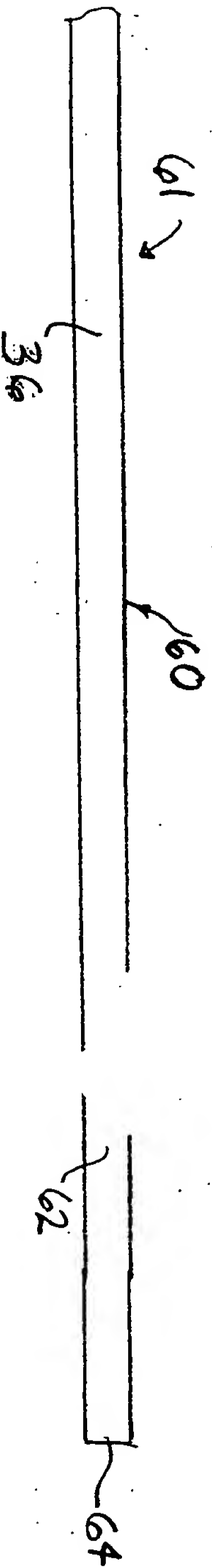


FIG. 7B

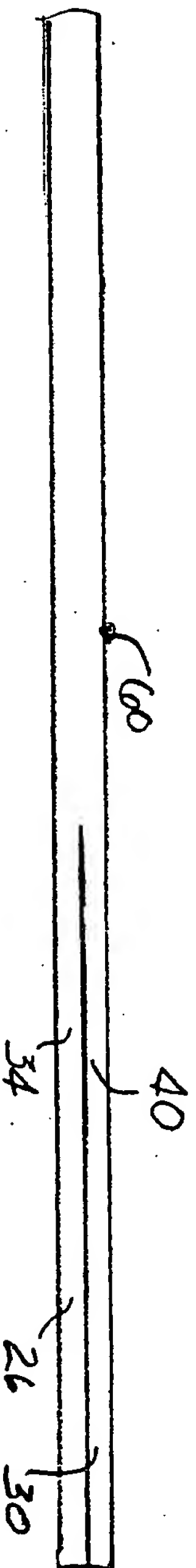
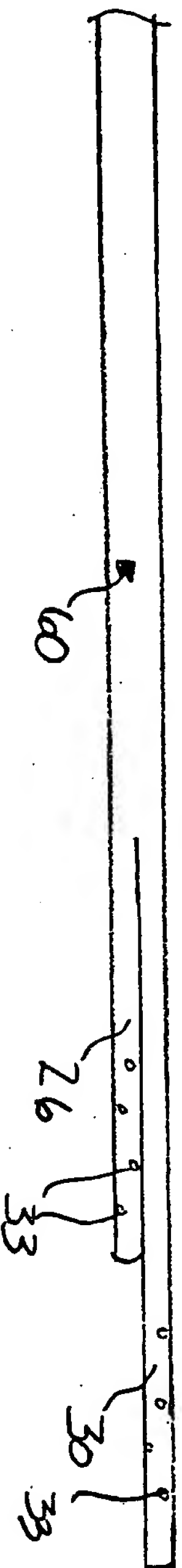


FIG. 7C



Approved
by
2-2-05